

IN THE COURT OF  
CRIMINAL APPEALS OF TEXAS

SHOLOMO DAVID

APPELANT,

v.

THE STATE OF TEXAS

APPELLEE.

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FILED  
COURT OF CRIMINAL APPEALS  
7/26/2021  
DEANA WILLIAMSON, CLERK

CCA No. PD-0307-21

**APPELLANT'S FIRST MOTION FOR  
EXTENSION OF TIME TO FILE BRIEF IN RESPONSE**

COMES NOW Appellant David Sholomo by and through his Appellate Counsel, Leonard Morales, and files this his First Motion for Extension of Time to File Brief in Response, and would show the Court the following:

1. This is a Petition for Discretionary Review filed by the State of Texas from a judgment of acquittal issued by the Eighth Court of Appeals, reversing the Trial Court's sentence of 30 years in the Institutional Division of the Texas Department of Criminal Justice imposed on March 27, 2018 on the offense of Tampering with Physical Evidence in violation of Tex. P. Code. §37.09.

2. This Court accepted the State's Petition for Discretionary Review on June 9, 2021. The State filed their Brief on June 25, 2021. Appellant's response to the State's Petition is due on July 26, 2021.

3. Appellant requests a 30-day extension of time to file Appellant's Brief in Response to the State's Petition. This extension is requested because Appellant's counsel needs additional time to complete his legal research, review of the record on appeal and complete the drafting of Appellant's brief. As the Court may be aware, undersigned Counsel for Appellant was not his appellate counsel at the 8th Court of Appeals. Counsel was appointed to represent Appellant by the Trial Court and entered his appearance before this Court on June 28, 2021.

Additionally, the Court issued an order on June 25, 2021 notifying all parties that any supplementation of the record shall be returned to the Court within 30 days of that order. This due date is noted on the Court of Criminal Appeals website as Supplemental Clerk's Record Due on July 26, 2021; the same suspense date as Appellant's brief in response. Appellant is unaware if there will be any supplementation of the record by any party until that due date has passed. Should the record be supplemented Appellant will need some time to review and respond.

4. Appellant has conferred with Counsel for the State on this motion for extension of time and the State is not opposed.

5. This is Appellant's first motion for an extension of time to file his brief in response. This request is not made for purposes of delay, but so that justice may be done.

**WHEREFORE, PREMISES CONSIDERED**, Appellant prays that this Court grant an extension of time to file Appellant's Brief, and such other and further relief to which he may be entitled.

Respectfully submitted,

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/S/ Leonard Morales  
Leonard Morales  
TX Bar No. 24010247  
*Attorney for Appellant*

### **CERTIFICATE OF COMPLIANCE**

The undersigned does hereby certify that the foregoing document pursuant to Tex. R. App. P. 9.4(i)(3) contains 389 words, as indicated by the word-count function of the computer program used to prepare it.

/S/ Leonard Morales  
Leonard Morales

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Entry of Appearance sent to the District Attorney's Office, 500 E. San Antonio, Room 201, El Paso, Texas 79901, by electronic filing on July 23, 2021.

/S/ Leonard Morales  
Leonard Morales

### **Automated Certificate of eService**

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Leonard Morales on behalf of Leonard Morales  
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Associated Case Party: State of Texas

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
DA Appeals		daappeals@epcounty.com	7/23/2021 4:47:32 PM	SENT
State Prosecuting Attorney		information@SPA.texas.gov	7/23/2021 4:47:32 PM	SENT